

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

KENNETH J. MARINO,

Plaintiff,

v.

C.A. No. 07-426-JJF

CROSS COUNTRY BANK and  
APPLIED CARD SYSTEMS, INC.,

Defendants.

**RULE 16 SCHEDULING ORDER**

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by January 31, 2008 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.
2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before March 1, 2008.
3. **Discovery.**
  - a. Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by October 31, 2008.
  - b. Maximum of 50 interrogatories by each party to any other party.
  - c. Maximum of 30 requests for admission by each party to any other party.

- d. Maximum of 7 depositions by plaintiff(s) and 7 by defendant(s).

Depositions shall not commence until the discovery required by Paragraph 3 a, b and c are completed.

- e. Reports from retained experts required by Fed. R. Civ. P. 26 (a)(2) are due from plaintiff(s) by November 14 ,2008; from the defendant(s) by December 5, 2008.

- f. Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

4. **Discovery Disputes.**

- a. A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 and the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

- b. All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

- c. Upon receipt of Answer, the movant shall notify Chambers by e-mail at [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov) that the parties have completed briefing.

- d. Upon receipt of movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

- e. There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

5. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before March 1, 2008.

6. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before January 5, 2009. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

7. **Applications by Motion.**

a. Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective June 30, 2007). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Briefs shall be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

b. No facsimile transmissions will be accepted.

c. No telephone calls shall be made to Chambers.

d. Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov). The e-mail shall provide a short statement describing the emergency.

8. **Pretrial Conference and Trial.** The Pretrial Conference shall be held on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. The Trial date will be scheduled at the Pretrial Conference [Trial shall commence on \_\_\_\_\_ at \_\_\_\_\_ a.m.]

The Court will determine whether the trial should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

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Date

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United States District Judge

**OBERLY, JENNINGS & RHODUNDA, P.A.**

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December 17, 2007

Via CM/ECF & Hand Delivery

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
844 North King Street  
Wilmington, DE 19801

**Re: Marino v. Cross Country Bank, et al. – C.A. No. 07-426-JJF**

Dear Judge Farnan:

Enclosed for Your Honor's consideration is the parties' Proposed Rule 16 Scheduling Order. The parties do not believe a scheduling conference is necessary. Of course, Kevin W. Gibson, Esquire and I are available at the convenience of the Court to attend a scheduling conference should Your Honor wish to hold one.

**Respectfully submitted,**



**KAREN V. SULLIVAN (No. 3872)**

KVS/all

Enclosure

cc: Dr. Peter T. Dalleo  
Kevin W. Gibson, Esquire (via CM/ECF)